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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,640	02/16/2006	Yoichi Nakano	90351030	2699
21831 7590 07/23/2007 WOLF BLOCK SCHORR AND SOLIS-COHEN LLP 250 PARK AVENUE NEW YORK, NY 10177				
			EXAMINER TAWFIK, SAMEH	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 07/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,640

Applicant(s)

NAKANO, YOICHI

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20070703, 20061006, & 20060216.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The disclosure is objected to because of the following informalities:

The filed specification should not refer to claim numbers. For example, in page 4, line 24 "claim 2" should be deleted; the same should be done for the rest of the specification.

Appropriate correction is required.

Claim Objections

Claim 12 is objected to because of the following informalities: applicant needs to amend claim 12 as follow:

In claim 12, line 2; delete "wherein" and instead insert --comprising--;

In claim 12, line 2; delete "according to" and instead insert --of--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, line 2; "provided in plurality." is indefinite and confuse as it is not clear as of what applicant means by the claimed "plurality"?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lecomte (U.S. Patent No. 6,065,272) in view of JP. patent No. 3-9302.

Lecomte discloses the claimed a packaging device comprising two film feed means arranged in parallel and a predetermined interval apart from each other, and comprising: two film pull-out rollers, Fig. 1; via pull out rolls 4; which rotate to pull out films from said respective film feed means and are arranged in parallel with circumferential surfaces being in contact with each other via the pulled films in a normal state, Figs. 1 and 2; and a driving part rotating said film pull-out rollers; via drive rollers 4, means have driving parts, wherein an object for disposal is received between said film feed means; Fig. 1; via the arrow showing the direction of inserting the disposal material, said driving part rotates said film pull-out rollers, and the object for disposal passes between said film pull-out rollers, thereby allowing the object for disposal to be sealingly packed between the films, Figs. 1 and 2; via sealing members 5, and wherein at least one of said film pull-out rollers includes a circumferential surface that is elastically deformed by the object for disposal when the object for disposal passes between said film pull-out rollers, Fig.

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2; via spring 11, whereby the object for disposal is allowed to be sealingly packed while the films are into close contact with a surface of the object for disposal, see for example Fig. 1.

Lecomte does not disclose the film feed means is rollers. However, JP. '302 discloses similar packaging device with the use of film feed rollers, Fig. 1; via rollers 20.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Lecomte's film feeding means as the film in the zigzag fold by using film feed rollers, as suggested by JP. '302, in order to make it easier and faster to feed the film and avoid the unfolding step of the zigzag web.

Regarding claim 2: Lecomte discloses that when the object for disposal passes between said film pull-out rollers, the films come into close contact with each other in respective side edges positioned on both sides of the object for disposal and in positions ahead of and behind the object for disposal in a film moving direction, see for example Fig. 1 as the film and the disposable material all in contact between rollers 4.

Regarding claim 3: Lecomte discloses that wherein said driving parts are provided in correspondence to said film pull-out rollers respectively, via drive rollers 4, and said film pull-out rollers are rotary driven together by said respective driving parts, see for example Figs. 2 and 3, which showing the drive mechanism.

Regarding claim 4: Lecomte discloses that wherein at least said one film pull-out roller including the circumferential surface that elastically deforms in accordance with the passage of the object for disposal includes sponge or rubber supported by a rotary shaft, see for example Fig. 2; via spring 11.

Regarding claim 5: Lecomte discloses that wherein, in the normal state, said film pull-out

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rollers are biased by an elastic member in approaching directions, and when a load with a predetermined magnitude or larger works in a direction so as to make said film pull-out rollers apart from each other, at least one of said film pull-out rollers becomes apart from the other, it is inherent from Fig. 2 that such rollers as the disposable material pass by will get apart from each other.

Regarding claim 6: Lecomte discloses that wherein the film rolled around at least one of said film feed means is an adhesive film having an adhesive layer formed in at least side edges thereof; via plastic sleeve 3 made of heat-sealable material.

Regarding claim 7: Lecomte discloses that wherein the films rolled around said respective film feed means are plastic films that come into close contact with each other by an electrostatic action when the films pass between said film pull-out rollers, see for example Figs. 1 and 2.

Regarding claim 8: Lecomte discloses that wherein said one film pull-out roller includes heater parts via 5 part of the mechanism of the driven roller 4; which are provided on circumferential surfaces of both longitudinal end portions thereof to heat-seal the films passing between said film pull-out rollers.

Regarding claim 9: wherein said film pull-out roller further includes a linear heater part which is formed along the longitudinal direction of said film pull-out roller and through which the heater parts formed on the circumferential surfaces of the both longitudinal end portions communicate with each other; via heat sealing mechanism 5 and heat resistor 8 been provided longitudinally in respect to the driven roller and in communication with them.

Regarding claim 10: Lecomte discloses that comprising a detecting means for detecting

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whether or not the object for disposal is positioned between the pulled films in a space between said film feed rollers and said film pull-out rollers, wherein, when detecting the object for disposal, said detecting means outputs a driving signal to said driving part rotating said film pull-out rollers, see for example column 4, lines 19-25.

Regarding claims 11 and 12: Lecomte discloses that the packaging device being disposed on an upper side of a trash storage part; via receptacle 6; wherein a trash as the object for disposal passes between the film pull out rollers, thereby allowing the trash to be sealingly packed between the films and to be stored in the trash storage part, see for example Fig. 1.

Regarding claim 13: Lecomte discloses that wherein a width of said trash storage part along a longitudinal direction of the film feed rollers is substantially equal to a width of the films fed from the film feed rollers, Fig. 1.

Regarding claim 14: Lecomte discloses that wherein said packaging device and said trash storage part are "provided in plurality", see for example Fig. 1; via the packaging device and the trash storage are separate units.

Regarding claim 15: Lecomte discloses that wherein said packaging device has a plurality of inlets, and said film feed rollers and said film pull-out rollers are provided in correspondence to each of the inlets, see for example Fig. 1; via the disposable material can be introduced to the dispenser 2 from different angles and in different locations, which is equivalent to the claimed "plurality of inlets".

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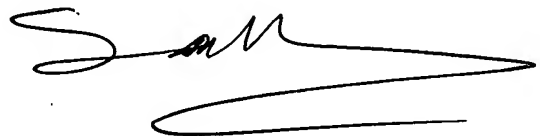
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik
Primary Examiner
Art Unit 3721



ST.